IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION No: 20242 of 2004

Between:

Smt. S.Maremma, W/o S. Shadrak,
Occu: Fair Price Shop Dealer,

R/o Enugubala Village, Yemmiganur Mandal,
Kurnool District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Adoni, Kurnool District.
2 The Mandal Revenue Officer, Yemmiganur, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in not permitting the petitioner to

lift the stocks as illegal, malafide, arbitrary and against the principles of natural justice and consequently direct the Respondents to permit the petitioner to lift the stocks for her Fair Price Shop situated in Enugubala Village, Yemmiganur (M), Kurnool District.

Counsel for the Petitioner: MR.K.V.RAGHU VEER

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following:

ORAL ORDER:-

The petitioner's authorization to run a Fair Price Shop at Enugubala village, Yemmiganur Mandal, Kurnool District, was suspended on 17.12.2004 by the Revenue Divisional Officer (for short 'RDO') concerned against which he preferred an appeal to the Joint Collector on 27.12.2004. The Joint Collector by proceedings, dated 11.02.2005, confirmed the order of the R.D.O. and directed the R.D.O. to conclude the enquiry against the petitioner finally. Under these circumstances, no commodities have been supplied to him.

The Writ Petition is filed on the ground that commodities have not been supplied to the petitioner, without any proceedings of suspending the cancellation of authorization. The Writ Petition was filed on 02.11.2004. The counter-affidavit is totally silent as to why no commodities were released in favour of the petitioner even before the suspension of his authorization by the R.D.O. on 17.12.2004, though subsequent to 17.12.2004 the petitioner is not entitled to release of the commodities on account of the suspension of authorization. The non-supply of the essential commodities prior to 17.12.2004 is certainly without the authority of law and for this grievance of the petitioner urged in this Writ Petition, there is no reply or response in the counter-affidavit of the respondents.

Though, as at present the authorization of the petitioner has been suspended by the R.D.O. and the said suspension has been confirmed by the Joint Collector, the non supply of essential commodities to the petitioner by the respondents prior to

17.12.2004, which is the complaint in this Writ Petition, is certainly arbitrary and no explanation is forthcoming as to why the commodities were not supplied and there is no denial of the allegation of non-supply either.

In the circumstances, the Writ Petition is allowed to the limited extent of declaring the action of the respondents in not permitting the petitioner to lift the stocks of essential commodities prior to 17.12.2004, as arbitrary and without the authority of law. Since there is not a response to these allegations, in the counter affidavit, the Writ Petition is allowed with costs of Rs.1,000/- (Rupees One thousand only) to be paid by the respondents to the petitioner.

The Government or the appropriate agency is, however, at liberty to enquire as to the officer responsible for such unauthorized conduct and recover the amount of costs paid to the petitioner from such officer.

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GODA RAGHURAM, J

Date: 16.06.2005

ES

To

1 The Revenue Divisional Officer, Adoni, Kurnool District.
2 The Mandal Revenue Officer, Yemmiganur, Kurnool District.

3 2 CCs to the G.P. for Civil Supplies, High Court buildings, Hyderabad (OUT)

4 2 CD copies